

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner
 US Department of Commerce
 United States Patent and Trademark
 Office, PCT
 2011 South Clark Place Room
 CP2/5C24
 Arlington, VA 22202
 ETATS-UNIS D'AMERIQUE
 in its capacity as elected Office

| | |
|---|---|
| Date of mailing (day/month/year) 15 February 2002 (15.02.02) | |
| International application No. PCT/US01/18033 | Applicant's or agent's file reference P22,901-A PCT |
| International filing date (day/month/year) 01 June 2001 (01.06.01) | Priority date (day/month/year) 02 June 2000 (02.06.00) |
| Applicant MANETTA, Vincent, E. et al | |

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:
 21 December 2001 (21.12.01)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

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|---|---|
| The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35 | Authorized officer ENGER Charlotte Telephone No.: (41-22) 338.83.38 |
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PATENT COOPERATION TREATY

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INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

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| Applicant's or agent's file reference P22,901-A PCT | FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below. | |
| International application No. PCT/US 01/ 18033 | International filing date (day/month/year) 01/06/2001 | (Earliest) Priority Date (day/month/year) 02/06/2000 |
| Applicant DERMIK INTERNATIONAL HOLDING INC. et al. | | |

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☐ the text is approved as submitted by the applicant.

☒ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☒ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

5

☐ None of the figures.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US 01/18033

Box III TEXT OF THE ABSTRACT (Continuation of item 5 of the first sheet)

00758kage comprising components which, upon being mixed, are capable of forming a pharmaceutical composition that is effective in treating acne, the composition tending to degrade prematurely, one of the components comprising an oxidizing agent and another of the components comprising an antibiotic which is effective against acne-associated bacterial species, the components separated one from the other in the package, one component having a viscosity within about 50% of the viscosity of the other component. In addition, a package comprising: (A) components which, upon being mixed, are capable of forming a pharmaceutical composition that is effective in treating acne, one of the components comprising a benzoyl peroxide gel and another of the components comprising a gel of erythromycin and hydroxypropylcellulose; and (B) containers for holding the components in the package separated one from the other; the components having viscosities such that, upon the application of a uniform forces to the components, substantially equal volumes of the components are capable of being dispensed simultaneously from the containers.

INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 01/18033

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A61K9/06 A61K7/48

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

WPI Data, PAJ, EPO-Internal, CHEM ABS Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category ° | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|------------|--|-----------------------|
| X | GB 2 088 717 A (RORER INTERNATIONAL) 16 June 1982 (1982-06-16) claims 1-8,11,16-20 | 1-19, 36-38 |
| Y | page 3, line 27 - line 47 examples 3-6 | 20-35 |
| Y | --- US 4 954 487 A (EUGENE R. COOPER; ET AL.) 4 September 1990 (1990-09-04) examples 17,18 | 20-35 |
| X | --- WO 99 02133 A (GIST BROCADES) 21 January 1999 (1999-01-21) claims 1-6 page 3, line 17 - line 24 page 4, line 17 - line 21 page 4, line 34 - line 37 page 6, line 9 - line 21 example 1 | 1-19, 36-38 |
| | --- -/-- | |

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

° Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- * & * document member of the same patent family

Date of the actual completion of the international search

13 November 2001

Date of mailing of the international search report

21/11/2001

Name and mailing address of the ISA

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Authorized officer

Ventura Amat, A

INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 01/18033

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

| Category ° | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|------------|---|-----------------------|
| X | WO 93 15726 A (BAROODY, LLOYD; ET AL.) 19 August 1993 (1993-08-19) claims 1,2 examples 1-13 ----- | 1-19, 36-38 |
| X | CA 2 015 111 A (WOO, TOM; ET AL.) 23 October 1991 (1991-10-23) claims 1,4,5,11,13,72-79 ----- | 1-19, 36-38 |

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 01/18033

| Patent document cited in search report | | Publication date | Patent family member(s) | Publication date |
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INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 01/18033

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PATENT COOPERATION TREATY

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REC'D 12 JUN 2002

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

10/019822

| | | |
|---|---|---|
| Applicant's or agent's file reference P22,901A PCT | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) | |
| International application No. PCT/US 01/ 18033 | International filing date (day/month/year) 01/06/2001 | Priority date (day/month/year) 02/06/2000 |
| International Patent Classification (IPC) or national classification and IPC A61K9/06 | | |
| Applicant DERMIK INTERNATIONAL HOLDING INC. et al. | | |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.


2. This **REPORT** consists of a total of 2 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consists of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

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|---|--|
| Date of submission of the demand 21/12/2001 | Date of completion of this report 04/06/2002 |
| Name and mailing address of the IPEA/  European Patent Office D-80298 Munich Tel. (+49-89) 2399-0, Tx: 523656 epmu d Fax: (+49-89) 2399-4465 | Authorized officer FLETCHER A S Tel. (+49-89) 2399 2828 |



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No PCT/US 01/ 18033

I. Basis of the report

The basis of this international preliminary examination is the application as originally filed.

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability

In light of the documents cited in the international search report, it is considered that the invention as defined in at least some of the claims does not appear to meet the criteria mentioned in Article 33(1) PCT, i.e. does not appear to be novel and/or to involve an inventive step (see international search report, in particular the documents cited X and/or Y and corresponding claim references).